
Central Valley Regional Water Quality Control Board

2 October 2026

Nicholas Torstensen
Deputy Public Utilities Director
City of Clovis
155 North Sunnyside Avenue
Clovis, CA 93611
nicholast@clovisca.gov

CERTIFIED MAIL
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**OFFER TO PARTICIPATE IN THE EXPEDITED PAYMENT LETTER PROGRAM
RELATING TO LIABILITY FOR EFFLUENT LIMITATION VIOLATIONS, EPL ORDER
R5-2026-0532, CITY OF CLOVIS, SEWAGE TREATMENT AND WATER REUSE
FACILITY, FRESNO COUNTY, CIWQS PLACE ID 214899**

City of Clovis (Discharger) discharges disinfected, tertiary-treated domestic wastewater from its Sewage Treatment and Water Reuse Facility (Facility) to Fancher Creek, a diversion channel from Big Dry Creek Reservoir to Little Dry Creek, and discharges to groundwater underlying recycled water use sites. The Discharger contracts Jacobs Engineering Group, Inc. to operate the Facility. The Facility is regulated by *National Pollutant Discharge Elimination System (NPDES) No. CA0085235 Order R5-2024-0036*. The Facility was previously regulated by NPDES Orders R5-2019-0021 and R5-2019-0021-01. This Offer to Participate in the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) Expedited Payment Letter (EPL) Program (Conditional Offer) provides the Discharger with an opportunity to resolve mandatory minimum penalties (MMPs) for violations of the effluent limitations without a formal administrative civil liability complaint. The alleged MMP, in the amount of **twenty-four thousand dollars (\$24,000)**, represents the sum of accrued MMPs for effluent limitation violations specifically identified in the Record of Violations (ROV), attached hereto (Attachment A) and incorporated herein by reference, that occurred between 1 January 2023 and 31 March 2026.

NOTICE OF VIOLATION AND RECORD OF VIOLATIONS

Based on the Discharger's self-monitoring reports, the Central Valley Water Board's Prosecution Team sent the Discharger a Notice of Violation (NOV) and ROV on 16 July 2026, notifying the Discharger of effluent limitation violations. The Central Valley Water Board's Prosecution Team provided the Discharger with an opportunity to review and contest the violations listed in the ROV. On 18 August 2026, Central Valley Water Board staff received a letter from Nicholas Torstensen, Deputy Public Utilities Director for the

Discharger, indicating that the Discharger was not contesting the violations listed in the ROV. Following the Discharger's review of the NOV, the Central Valley Water Board's Prosecution Team confirmed that eight of the fourteen violations listed in Attachment A are subject to MMPs.

STATUTORY LIABILITY

Water Code sections 13385(h) and (i) require the assessment of an MMP of \$3,000 for each specified serious and chronic effluent limit violation. The Discharger may also be subject to discretionary administrative civil liabilities pursuant to Water Code section 13385(c) of up to \$10,000 for each day in which the violation occurs, and \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons. These MMPs and discretionary administrative civil liabilities may be assessed by the Central Valley Water Board beginning with the date that the violations first occurred. The formal enforcement action that the Central Valley Water Board uses to assess such liability is an administrative civil liability complaint, although the Central Valley Water Board may instead refer such matters to the Attorney General's Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to \$25,000 for each day in which the violation occurs, and \$25 for each gallon discharged but not cleaned up in excess of 1,000 gallons.

SETTLEMENT OFFER

The Discharger can avoid the issuance of a formal enforcement action and settle the alleged violations identified in Attachment A by participating in the EPL Program.

To promote resolution of these violations, the Central Valley Water Board's Prosecution Team makes this Conditional Offer. The Central Valley Water Board's Prosecution Team proposes to resolve these violations without the issuance of a formal enforcement action through this Conditional Offer assessing **twenty-four thousand dollars (\$24,000)** in MMPs. If the Discharger accepts this proposal, subject to the conditions below, the Central Valley Water Board's Prosecution Team will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in Attachment A. Accordingly, the Central Valley Water Board's Prosecution Team will forego issuance of a formal administrative civil liability complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in Attachment A. The Conditional Offer does not address or resolve liability for any violation that is not specifically identified in Attachment A, regardless of the date that the violation occurred.

If the Discharger accepts this Conditional Offer, please complete, and return the enclosed "Acceptance of Conditional Resolution and Waiver of Right to Hearing" (Acceptance and Waiver) on or before **2 November 2026**. The Acceptance and Waiver constitutes a settlement of the violations specifically identified in Attachment A.

CONDITIONS FOR CENTRAL VALLEY WATER BOARD ACCEPTANCE OF RESOLUTION

Federal regulations require the Central Valley Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NPDES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Notice of this proposed settlement will be published on the [Central Valley Water Board's](https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/) website (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/).

If no comments are received within the 30-day comment period, and unless there are new material facts that become available to the Central Valley Water Board, the Executive Officer or designee will execute the Acceptance and Waiver as a Stipulated Order assessing the uncontested MMP amount pursuant to Water Code section 13385.

However, if significant comments are received in opposition to the proposed settlement, this Conditional Offer may be withdrawn. In that case, the Discharger's waiver pursuant to the Acceptance and Waiver will be void and the violations will be addressed in an administrative civil liability hearing. At the hearing, the Discharger will be free to make arguments to any of the alleged violations, and the Discharger's prior agreement to accept this Conditional Offer will be treated as a settlement communication and will not in any way be binding or used as evidence against the Discharger. The Discharger will be provided with further information on the administrative civil liability hearing process.

If the Discharger chooses to sign the Acceptance and Waiver, full payment of the assessed amount may be submitted with the waiver. However, full payment of the assessed amount shall be required no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Executive Officer. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **twenty-four thousand dollars (\$24,000)** liability shall be paid by cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". Failure to pay the full penalty within the required time frame may subject the Discharger to further liability.

The Discharger shall indicate on the check the number of this EPL and send it to the State Water Resources Control Board, Accounting Office, Attn: **EPL Order R5-2026-0532** Payment, PO Box 1888, Sacramento, California, 95812-1888. The waiver and a copy of the check, with account numbers and routing information redacted, must also be submitted to the Central Valley Water Board via email at centralvalleyfresno@waterboards.ca.gov with a carbon copy (cc) to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

If you have any questions or comments regarding this Settlement Offer, please contact Jennifer Dolores at (559) 710-1034 or Jennifer.Dolores@waterboards.ca.gov.



Alex Olsen
Supervising Engineering Geologist

Enclosures (2): Attachment A Record of Violations
Acceptance of Conditional Resolution and Waiver of Right to Hearing

cc via email: Elizabeth Aubuchon, U.S. EPA, Region 9, San Francisco
Christina Shupe, Assistant Executive Officer, Central Valley Water Board,
Fresno
Jill Ghelerter, Supervising Engineering Geologist, Central Valley Water
Board, Fresno
Xuan Luo, Supervising Water Resource Control Engineer, Central Valley
Water Board, Rancho Cordova
Omar Mostafa, Senior Water Resource Control Engineer, Central Valley
Water Board, Fresno
Jennifer Dolores, Water Resource Control Engineer, Central Valley Water
Board, Fresno

ATTACHMENT A TO SETTLEMENT OFFER NUMBER R5-2026-0532
Record of Violations Subject to Mandatory Minimum Penalties

CITY OF CLOVIS
SEWAGE TREATMENT AND WATER REUSE FACILITY
RECORD OF VIOLATIONS (1 January 2023 – 31 March 2026) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2019-0021, R5-2019-0021-01, and R5-2024-0036)

The following table lists the alleged violations subject to mandatory minimum penalties (MMPs), pursuant to Water Code sections 13385(h) and (i).

Table A. Violations Subject to Mandatory Penalties

#	Violation Date	Parameter	Units	Limit	Measured	Period	Violation Type	MMP Type	CIWQS ID ¹	MMP Amount
1	13-Dec-23	pH	SU	6.5	6.43	Instantaneous	OEV	NCHRON	1123695	\$0
2	14-Dec-23	pH	SU	6.5	6.44	Instantaneous	OEV	NCHRON	1123696	\$0
3	15-Dec-23	pH	SU	6.5	6.40	Instantaneous	OEV	NCHRON	1123697	\$0
4	17-Dec-23	pH	SU	6.5	6.49	Instantaneous	OEV	CHRON	1123694	\$3,000
5	6-Feb-24	Turbidity	NTU	0.5	0.75	Instantaneous	OEV	CHRON	1125394	\$3,000
6	19-Mar-24	Turbidity	NTU	0.5	0.76	Instantaneous	OEV	CHRON	1126884	\$3,000
7	9-Mar-26	Total Coliform	MPN/100	2.2	3.0	7-Day Median	OEV	NCHRON	1153749	\$0
8	10-Mar-26	Total Coliform	MPN/100	2.2	3.0	7-Day Median	OEV	NCHRON	1153748	\$0
9	11-Mar-26	Total Coliform	MPN/100	2.2	3.0	7-Day Median	OEV	NCHRON	1153747	\$0
10	1-Apr-26	Total Coliform	MPN/100	2.2	2.6	7-Day Median	OEV	CHRON	1154871	\$3,000
11	2-Apr-26	Total Coliform	MPN/100	2.2	4.1	7-Day Median	OEV	CHRON	1154875	\$3,000
12	5-Apr-26	Total Coliform	MPN/100	2.2	2.6	7-Day Median	OEV	CHRON	1154872	\$3,000
13	8-Apr-26	Total Coliform	MPN/100	2.2	4.1	7-Day Median	OEV	CHRON	1154873	\$3,000
14	12-Apr-26	Total Coliform	MPN/100	2.2	2.6	7-Day Median	OEV	CHRON	1154874	\$3,000

¹ The CIWQS IDs have been updated since the 16 July 2026 NOV-ROV was issued.

Total Mandatory Minimum Penalty = \$24,000

ATTACHMENT A TO SETTLEMENT OFFER NUMBER R5-2026-0532
Record of Violations Subject to Mandatory Minimum Penalties

Table B. Definitions

Abbreviation	Description
CHRON	Chronic violation as defined by Water Code section 13385 (i). Any non-serious violation that falls within a 180-day period with three preceding violations. Thus, the fourth non-serious violation that occurs within a 180-day period is subject to MMPs.
CIWQS	California Integrated Water Quality System database. https://www.waterboards.ca.gov/water_issues/programs/ciwqs/
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.
MPN	Most Probable Number.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
NTU	Nephelometric Turbidity Unit.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
SU	Standard units.
Violation Date	Date that a violation occurred. For averaging period limitation violations, such as weekly and monthly averages, the last day of the reporting period is used such as last day of the week (Saturday) and last day of the month, respectively.

**Offer to Participate in Expedited Payment Letter Program
EPL ORDER R5-2026-0532**

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING**

City of Clovis
Sewage Treatment and Water Reuse Facility
Fresno County

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Central Valley Regional Water Quality Control Board (Central Valley Water Board), City of Clovis (Discharger) hereby accepts the "Offer to Participate in the Expedited Payment Letter Program" (Conditional Offer), incorporated herein by reference, and waives the right to a hearing before the Central Valley Water Board to dispute the allegations of violations described in the Record of Violations (ROV) in Attachment A to the Conditional Offer.

The Discharger agrees that the Conditional Offer shall serve as a complaint pursuant to Article 2.5 of the California Water Code and that no separate complaint is required for the Central Valley Water Board to assert jurisdiction over the alleged violations through its Chief Prosecutor. The Discharger agrees to pay the penalties required by California Water Code section 13385(h) and/or (i), in the sum of \$24,000 (Expedited Payment Amount), which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in the ROV. The Discharger understands that this Acceptance and Waiver waives its right to contest the allegations in Attachment A and the amount of civil liability assessed for the violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the ROV.

Upon execution by the Discharger, the completed Acceptance and Waiver shall be returned via email to centralvalleyfresno@waterboards.ca.gov with a carbon copy (cc) to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

The Discharger understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Central Valley Water Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action addressing NPDES permit violations. Accordingly, this Acceptance and Waiver, prior to execution by the Central Valley Water Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Central Valley Water Board Executive Officer to question the Expedited Payment Amount, the Central Valley Water Board Executive Officer or designee will execute this Acceptance and Waiver.

Offer to Participate in Expedited Payment Letter Program
EPL ORDER R5-2026-0532

The Discharger understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Central Valley Water Board to resolve the violations set forth in the ROV may be withdrawn. In that circumstance, the Discharger will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Central Valley Water Board. For such a liability hearing, the Discharger understands that this Acceptance and Waiver executed by the Discharger will be treated as a settlement communication and will not be used as evidence in that hearing.

The Discharger further understands that once the Acceptance and Waiver is executed by the Central Valley Water Board's Executive Officer or designee, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with California Water Code section 13385(n)(1) and California Water Code section 13385.1(c)(1), funds collected for violations of effluent limitations and reporting requirements pursuant to sections 13385 and 13385.1 shall be deposited in the State Water Pollution Cleanup and Abatement Account. Accordingly, the **\$24,000** liability shall be paid by a cashiers or certified check made out to the "State Water Pollution Cleanup and Abatement Account". The Discharger may choose to submit the full payment with the waiver. However, the payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Central Valley Water Board Executive Officer or designee.

Please mail the check to:

State Water Resources Control Board, Accounting Office
Attn: EPL Order R5-2026-0532 Payment
PO Box 1888
Sacramento, California, 95812-1888

The Discharger shall also provide a copy of the waiver form and check (with account numbers and routing information redacted) via email to the Central Valley Water Board at centralvalleyfresno@waterboards.ca.gov with a cc to Omar.Mostafa@waterboards.ca.gov and Jennifer.Dolores@waterboards.ca.gov.

The Discharger's acceptance of the Conditional Offer and payment of the settlement amount is not an admission of liability, but the Discharger understands that this Stipulated Order may be used as evidence of a prior "history of violations" consistent with Water Code sections 13327 and 13385, subdivision (e).

Offer to Participate in Expedited Payment Letter Program
EPL ORDER R5-2026-0532

I hereby affirm that I am duly authorized to act on behalf of and to bind the Discharger in the making and giving of this Acceptance and Waiver.

City of Clovis

BY: Original signed by Andrew Haussler
Signed Name

10/20/2026
Date

Andrew Haussler, City Manager
Printed or Typed Name

10/20/2026
Date

IT IS SO ORDERED PURSUANT TO CALIFORNIA WATER CODE SECTION 13385

By: _____
For Patrick Pulupa
Executive Officer

Date